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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JOHN E. BARNHOUSE,

10 Plaintiff,

11 v.

12 PAT GLEBE, et al.,

13 Defendants.
14

Case No. 07-1991-MJP-JPD

ORDER OF DISMISSAL

15 The Court, having reviewed the defendants' motion to dismiss in this 42 U.S.C. § 1983
16 civil rights action, together with all materials in support of and in opposition to that document,
17 the Report and Recommendation of United States Magistrate Judge James P. Donohue, the
18 governing law and balance of the record, does hereby find and ORDER:

19 (1) The Court adopts the Report and Recommendation. First, Plaintiff's claims
20 against Defendants Packer, Williams, Davis, Fuentes, Kalina and Cohn are
21 untimely. Second, Plaintiff's Eighth Amendment claims are also barred
22 because Plaintiff failed to exhaust his administrative remedies. Third,
23 Plaintiff's allegations against Defendants Packer, Kunkel, and Glebe fail to
24 articulate a claim for the denial of procedural due process.

25 (2) Defendants' motion to dismiss (Dkt. No. 15) is GRANTED and plaintiff's
26 § 1983 complaint (Dkt. No. 5) is DISMISSED with prejudice. As a result,

1 plaintiff's three motions for default judgment (Dkt. Nos. 17, 28, 48), two
2 motions for temporary restraining orders (Dkt. Nos. 36, 63), motion for
3 extension of time, motion to compel discovery (Dkt. No. 45), and motion for
4 appointment of counsel (Dkt. No. 49) are DENIED as MOOT.

5 (3) The Clerk is directed to send copies of this Order to the parties and to Judge
6 Donohue.

7 DATED this 17th day of December, 2008

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11 Marsha J. Pechman
12 United States District Judge
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